

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, THE
EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF THE COMMONWEALTH OF
PUERTO RICO, AND THE PUERTO RICO PUBLIC
BUILDINGS AUTHORITY,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**INFORMATIVE MOTION OF THE TEACHER’S ASSOCIATIONS REGARDING
APPEARANCE OF COUNSEL AT CONFIRMATION HEARING AND FOR ENTRY OF
ORDER GRANTING ACCESS TO REPRESENTATIVES OF THE TEACHER’S
ASSOCIATIONS TO HEARING ON CONFIRMATION OF TITLE III JOINT PLAN OF
ADJUSTMENT OF THE COMMONWEALTH OF PUERTO RICO, ET AL.**

To the Honorable United States District Court Judge Taylor Swain:

COME NOW, Federación de Maestros de Puerto Rico, Inc. (“FMPR”), Grupo Magisterial Educadores(as) por la Democracia, Unidad, Cambio, Militancia y Organización Sindical, Inc. (“EDUCAMOS”), and Unión Nacional de Educadores y Trabajadores de la Educación, Inc. (“UNETE”), (collectively as “Teacher’s Associations”), as a creditors and parties in interest, by

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

and through the undersigned counsel, hereby submit this informative motion in compliance with paragraph 4(a) of the Court's October 14, 2021 *Order Regarding Procedures for Hearing on Confirmation of Plan of Adjustment* ("Order") [ECF No. 18502] and also request an entry of order to grant access to representatives of the Teacher's Associations to the Hearing on Confirmation of the Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al., and respectfully state as follows:

1. On October 14, 2021, the Court entered an order [ECF No. 18502] *Regarding Procedures for Hearing on Confirmation of Plan of Adjustment* (the "Procedures Order") for confirmation of the Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, *et al* (the "Plan"), beginning on November 8, 2021 (the "Confirmation Hearing").

2. On November 12, 2021, the Court issued an *Amended Order Directing Supplemental Briefing and Oral Argument on Issues Pertaining to the Confirmation Hearing* [ECF No. 19179] ("Amended Order"). In the Amended Order, this Court established that the Court will hear argument on the Oversight Board's request for rulings regarding Act 53-2021. *See* Amended Order, at 3.

3. In compliance with the Procedures Order's instructions for registration to participate at the Hearing, the Teacher's Associations inform that **Jessica Méndez-Colberg** and **Rolando Emmanuelli-Jiménez**, Bufete Emmanuelli, C.S.P., whose email addresses are jessica@emmanuelli.law and rolando@emmanuelli.law, will appear on behalf of the Teacher's Associations at the November 17, 2021, Confirmation Hearing.

4. Mrs. Jessica Méndez-Colberg will present oral argument in opposition to the *Urgent Motion of The Financial Oversight and Management Board for Puerto Rico for Order (I) Approving Form of Notice of Rulings The Oversight Board Requests at Confirmation Hearing*

Regarding Act 53-2021 [ECF No. 19002] (“Urgent Motion”). On November 12, 2021, the Teacher’s Association filed their *Objection to Urgent Motion of The Financial Oversight and Management Board for Puerto Rico for Order (I) Approving Form of Notice of Rulings The Oversight Board Requests at Confirmation Hearing Regarding Act 53-2021 At Docket No. 19002 and Request to be Heard* [ECF No. 19180] (“Objection to Urgent Motion”).

5. The Teacher’s Associations do not intend to assert any disputes over material facts, nor do they intend to cross-examine any declarant or present live rebuttal testimony. As directed by the Court’s Procedures Order, we attach hereto the Party Appearance Sheet, Witness Cover Sheet, and Exhibit Cover Sheet, as **Exhibit A**, **Exhibit B**, and **Exhibit C**.

6. The Teacher’s Associations reserve the right to amend, supplement or modify the foregoing in the event of any material change to the plan of adjustment or proposed confirmation order, or to circumstances relevant to the confirmation process.

7. Moreover, as explained in *Objection to the Urgent Motion* the Oversight Board’s purported interpretation of Act 53-2021 and the requested rulings, allows the Board to impose through the Plan of Adjustment, cuts and modifications to the Teachers Retirement System (“TRS”) and the Judiciary Retirement System (“JRS”). The Teacher’s Association submit that Act 53-2021 established the public policy of the Government of Puerto Rico of “zero cuts” to pensions. More importantly, the Act conditions its effectiveness cognizant of that public policy of “zero cuts” as it states that “it shall cease to be in effect and any transactions undertaken pursuant to it if reductions to the pensions of government employees are decreed or implemented under the Debt Adjustment Plan or the restructuring of the debt.” *See* Act 53-2021, Art. 605.

8. Due to the importance of these matters and the direct effect of this issues to the members of the Teacher’s Associations and their pensions, the appearing Teacher’s Associations

request three (3) additional technology lines so that one (1) representative of each of the appearing Teacher's Associations, FMPR, EDUCAMOS and UNETE, can observe and listen to the proceedings of the Confirmation Hearing scheduled for Wednesday, November 17, 2021, from 9:30 a.m. (Atlantic Standard Time). The appearing persons will be Mercedes Martínez as a representative of FMPR, Migdalia Santiago as a representative of EDUCAMOS, and Liza Fournier as a representative of UNETE.

9. Thus, the Teacher's Associations hereby respectfully (i) request that the Court enter an order, substantially similar in form and substance to that attached herein as **Exhibit D** (the "**Proposed Order**"), granting this Motion, and (ii) inform their willingness to, if the Court grants the same, provide an email address to promesaregistration@prd.uscourts.gov for an individual to be granted access to the Confirmation Hearing.

WHEREFORE, the Teacher's Associations request for this Honorable Court to take noticed of the above informed and enter the Proposed Order and grant such other relief as is just and proper.

RESPECTFULLY SUBMITTED.

In Ponce, Puerto Rico, this 13th day of November 2021.

WE HEREBY CERTIFY that on this same date we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all participants and attorneys of record.

/s/Rolando Emmanuelli-Jiménez
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/s/Jessica E. Méndez-Colberg
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